

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
SEPTEMBER 28, 1988

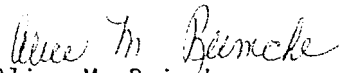
SUBJECT: ADOPTION OF ORDINANCE NO. 1434 - AN ORDINANCE OF THE LODI CITY COUNCIL
REPEALING LODI MUNICIPAL CODE CHAPTER 13.16 - SOLID WASTE - AND REENACTING A NEW
ORDINANCE RELATING TO THE DISPOSAL AND HANDLING OF SOLID WASTE

Ordinance No. 1434 - "An Ordinance of the Lodi City Council Repealing Lodi Municipal Code Chapter 13.16 - Solid Waste - and Reenacting a New Ordinance Relating to the Disposal and Handling of Solid Waste" was introduced at the regular meeting of September 7, 1988.

Pursuant to State Statute, ordinances may be adopted five days after their introduction following reading **by** title.

This Ordinance has been approved as to form by the City Attorney.

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the Lodi City Council to adopt Ordinance No. 1434.


Alice M. Reimche
City Clerk

AMR:jj

COUNC032
TXTA.02D

ORDINANCE NO. 1434

AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING LODI MUNICIPAL CODE
CHAPTER 13.16 - SOLID WASTE - AND REENACTING A NEW ORDINANCE
RELATING TO THE DISPOSAL AND HANDLING OF SOLID WASTE.

SECTIONS :

- 13.16.010 Definitions.
- 13.16.020 Required Services: Exceptions.
- 13.16.030 Contract for **Refuse** Collection and Transportation.
- 13.16.040 All Requests for Service to be Met.
- 13.16.050 Placement of Containers.
- 13.16.060 Refuse Collection and Transportation Restricted.
- 13.16.070 Limitation on Transfer of Contract.
- 13.16.080 Container Maintenance.
- 13.16.090 Receptacles - Container Maintenance.
- 13.16.100 Hazardous Materials.
- 13.16.110 Billing and Collection of Fees.
- ~~13.16.120~~ **Monthly Rates.**
- 13.16.130 Burning or Burial.
- 13.16.140 Unlawful Deposit.
- 13.16.150 Removal of Recyclable Material Prohibited.

ORDINANCE NO. 1434

AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING LODI MUNICIPAL CODE
CHAPTER 13.16 - SOLID WASTE - AND REENACTING A NEW ORDINANCE
RELATING TO THE DISPOSAL AND HANDLING OF SOLID WASTE.

BE IT ORDAINED BY THE LODI CITY COUNCIL:

SECTION 1. Lodi Municipal Code Chapter 13.16 - Solid Waste - is hereby repealed and a new ordinance relating to solid waste is hereby reenacted, as follows:

Section 13.16.010 Definitions.

For purposes of this chapter, unless otherwise apparent from the context, the following definitions apply:

- A. "Collection". The act of collecting refuse at the place of waste generation by an approved collection agent (public or private) and is distinguished from "removal".
- B. "Collection Vehicle or Equipment". Includes any vehicle or equipment used in the collection of residential refuse or commercial or industrial solid wastes.
- C. "Commercial Customers". All commercial (non-manufacturing) enterprises within the City limits except industrial customers. The distinction between "commercial" and "industrial" customers shall be established by reference to the Federal Office of Management and Budget publication "Standard Industrial Classifications", 1972 Edition, on file with the City of Lodi and adopted by reference as if set forth fully herein.
- D. "Contract". The written Agreement covering the performance of the work including, but not limited to, the Formal Agreement, and Special Provisions, Affidavits or Certificates of Equal Opportunity Employment,

Certificate of Worker's Compensation Insurance, the Proposal, Contract Specifications and Performance Bond.

E. "Contractor". The individual, partnership, corporation, joint venture, or other legal entity entering into a contract with the City to perform the work. When modified by the phrase "as constituted", it shall mean the partnership, corporation, or other legal entity as organized and existing, with the same majority shareholders, as determined at the time of the execution of a contract between Contractor and City.

F. "Disposal Site". Includes the place, location, tract of land, area or premises in use, intended to be used, or which has been used for the landfill disposal of solid wastes.

G. "Industrial Customer". All manufacturing (not commercial) enterprises within the City limits except commercial customers. The distinction between "commercial" and "industrial" customers shall be established by reference to the Federal Office of Management and Budget publication "Standard Industrial Classifications", 1972 Edition, on file with the City of Lodi and adopted by reference as if set forth fully herein.

H. "Recycling". The process by which salvaged materials become usable products.

I. "Refuse". Any and all discarded items and substances of every kind, including infectious wastes and salvageable or recyclable materials, and garden wastes, but not including sewage, septic tank contents, sand trap contents, grease trap contents, or hazardous wastes as defined by state and/or federal law.

J. "Removal". The act of taking solid wastes from the place of waste generation either by an approved collection agent or by a person in control of the premises.

K. "Residential Customer". All residences within the City limits, including single-family and multi-family dwellings.

L. "Subcontractor". The individual, partnership, or corporation or other legal entity entering into a contract with the Contractor to perform a portion of the work.

M. "Transfer Station/Resource Recovery Facility". includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport to their final place of disposition.

13.16.020. Required Services: Exceptions.

A. Every person owning or occupying residential or commercial premises within the City limits shall utilize the refuse collection and transportation services of Contractor for which the City has contracted, and shall pay the fees for those services as set by the City. Each owner or occupier of residential or commercial property shall directly arrange with the City for the provision of services. City may cause to be removed, at the expense of the owner or occupier of any premises, any refuse not collected due to the failure or refusal of the owner or occupier of the premises to arrange or pay for the Contractor's services.

B. Exceptions.

Notwithstanding any other provision of this chapter, any person or firm may apply to the City for a permit for which a fee may be charged to transport and dispose of refuse accumulated or generated on the premises, utilizing his or its own vehicles and equipment. Any such permit shall require that all vehicles used to transport refuse shall be constructed, maintained, and operated so that liquids or refuse will not blow, fall, sift or leak, and shall be maintained to prevent unnecessary noise. The

pennittee shall pick up any refuse dropped or deposited in the process of transporting it to the disposal site. Nothing in this paragraph shall be construed to mean any customer may undertake refuse collection, transportation or disposal services for any other person or firm under any circumstances.

13.16.030. Contract f@rRefuse Collection and Transportation.

City has the exclusive right and duty to collect and transport refuse within the City limits under such terms and conditions as it deems necessary for the public health, safety and well being, and it may contract, with a contractor for the provision of those services.

13.16.040. All Requests for Service to be Met.

Contractor shall provide refuse collection and transportation services to all residential and commercial customers within the area specified in its contract. Contractor shall not be required to service oversized, overweight, or unsafe containers, or to remove hazardous waste, or to remove waste where it is unsafe to do so.

13.16.050. Placement of Containers.

A. Residential:

Residential customers utilizing waste carts shall place containers on their premises not more than ten (10) feet from the edge of the adjacent vehicular right of way. Residential customers using other containers shall place such containers on their premises at curbside or in a location readily accessible to Contractor, free of obstacles. Any gate to the container storage area must be maintained by the property owner in good working condition, and shall be left unlocked on the regularly scheduled collection day. Any animals shall be restrained. Ashes must be cold and bagged, and animal droppings must be bagged in a non permeable material. Failure to meet any of these conditions shall constitute cause' for Contractor's refusal to perform collection services. Contractor shall, after collection, return containers to the location from which they were collected.

B. Commercial:

Commercial customers shall place refuse in a location on their premises that is readily accessible to Contractor's collection vehicles, and that has received Contractor's prior approval as conforming to its specifications and requirements for refuse container facilities. Contractor shall make such specifications and requirements available upon request by a customer. Failure to place containers in an approved location shall constitute cause for Contractor's refusal to perform refuse set-vices.

13.16.060. Refuse Collection and Transportation Restricted.

Except as provided in this chapter, at any time when there is a contract in force between City and any Contractor, it shall be unlawful for any person other than the Contractor to collect or transport refuse within the City limits.

13.16.070. Limitation on Transfer of Contract.

No contract entered into pursuant to the provisions of this ordinance shall be assigned without the prior consent of the City.

13.16.080. Container Maintenance.

It shall be the responsibility of residential customers to maintain refuse containers in a safe and sanitary condition and in good repair, free from sharp or rough edges, jagged surfaces, or other hazards likely to cause injury. In the event the Contractor provides such containers, residential customers shall be responsible for maintaining such containers in a clean and sanitary condition, and Contractor shall be responsible for keeping them in good repair. It shall be the responsibility of commercial customers to maintain refuse containers in a clean and sanitary condition, and Contractor shall be responsible for keeping them in good repair. All refuse containers shall be tightly covered.

13.16.090 Receptacles - Container Maintenance.

A. It shall be the duty of each residential customer to provide at all times to keep within such dwelling place,

apartment or flat, or on the lot on which the dwelling place is situated, and easily accessible for refuse collections, either of the following:

1. A thirty-two (32) gallon refuse container for each unit; or
2. A one-yard common refuse container for each five units or multiples of five units, or the equivalent thereof.

6. Such container shall be of such construction as to comply with the health laws of the city and state and shall not exceed fifty (50) pounds when full. Nothing herein shall prohibit or prevent the contractor from furnishing suitable containers (at no cost to the party or parties to whom service is provided).

C. At the customer's request, where suitable storage area and access are available, Contractor may provide one or more mechanically loaded metal or plastic refuse containers suitable for the quantity of refuse generated by the customer during the customer's scheduled collection interval.

13.16.100. Hazardous Materials.

No person shall deposit in any container used for refuse any explosive or highly flammable, radioactive, toxic, or other hazardous material or substance as defined by State and/or Federal law. However, special arrangements may be made with the Contractor for removal of such hazardous material if Contractor provides such service. Contractor is under no obligation to remove hazardous waste.

13.16.110. Billing and Collection of Fees.

The Director of Finance is designated as the collector of all refuse fees or charges. Each month, he/she shall bill every person producing refuse removed by the city or its contractor and adding the amount of such refuse collection fee or charge to such person's water or electric bill, or, if such person has not incurred bills for water

or electricity, by billing them for refuse collection alone. If the bill is not timely paid as required within this chapter, the water service and/or the electric service and/or the refuse service to such delinquent customer may be discontinued. Penalties and rules pertaining to payment of water and electric bills and to discontinuance and renewal of water and electric service shall apply to refuse service. It shall be contractor's responsibility to notify City of billing for services to and collecting fees from customers for whom it performs services on other than a regularly scheduled service.

13.16.120 Monthly Rates.

The City shall establish by uncodified ordinance of the City Council, pursuant to Health and Safety Code § 5471, a schedule of rates to be charged for the collection and transportation of refuse within the City limits. Upon adoption, such schedule shall be published once in the Lodi News Sentinel or a newspaper of general circulation within the City of Lodi. Such schedule shall set the rates for commercial and residential refuse collection, and refuse permits.

13.16.130. Burning or Burial.

It shall be unlawful for any person to burn or bury within the city any refuse, or to place or deposit upon any street, alley, place or vacant lot, any of the materials included in the definition of the word "refuse" in Section 13.16.010.

13.16.140. Unlawful Deposit.

- A. It shall be unlawful for any person to throw into or deposit upon any public street, highway, grounds, or in any gutter, ditch or upon any private premises, or anywhere except in such places as may be designated for such purposes by the City, any glass, broken ware, dirt, rubbish, refuse or filth, nor shall any rubbish, refuse or filth be allowed to remain upon any private premises .

6. Any refuse, dirt, rubbish, soot, ashes, cinders or filth of every kind in any house, cellar, yard or any other place which the City or other legally authorized health officer, for the health of the city, deems necessary to be removed, shall be carried away therefrom by and at the expense of the owner or occupant of such house or any place, where the same may be found and removed beyond the corporate limits or to such place as may be designated by the City or other legally authorized health officer.

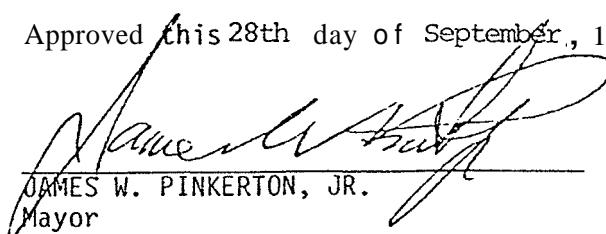
13.16.150. Removal of Recyclable Material Prohibited.

It shall be unlawful and an infraction for any person, other than the City's designated Contractor, to remove or collect recyclable or salvageable materials placed by any person in a bag or container labeled for use in connection with a recycling program operated by the Contractor.

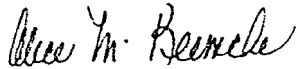
SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 28th day of September, 1988


JAMES W. PINKERTON, JR.
Mayor

Attest:


ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.


I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1434 was introduced at a regular meeting of the City Council of the City of Lodi held September 7, 1988 and was thereafter passed, adopted and ordered to print at an adjourned regular meeting of said Council held September 28, 1988 by the following vote:

Ayes :	Council Members - Hinchman, Reid, Snider and Pinkerton (Mayor)
Noes :	Council Members - None
Absent:	Council Members - Olson
Abstain:	Council Members - None

I further certify that Ordinance No. 1434 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to Form


BOBBY W. McNATT
City Attorney